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EXAMINER	
TERMANINI, SAMIR	
ART UNIT	**PAPER NUMBER**
2178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/619,555	JETHA ET AL.	
	Examiner	Art Unit	
	Samir Termanini	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/14/2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *N/A*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

BACKGROUND

1. This FINAL Office Action is responsive to the following communications: Amendment filed on 2/14/2007 .

2. Claims 1–33 are pending in this case. Applicant amended claims 1–4, 8–10, 17–19, 25–26, and 28–30, where claims: 1 and 25 are independent form.

3. Arguments concerning the Examiner's rejections of claims 3–10, 21, and 22–33, concerning the propriety of the 35 U.S.C. §102(b) rejection in the previous Office Action (dated 11/20/2006), and the availability of references used, have been fully considered but they are not persuasive.

4. Arguments concerning the Examiner's rejections of claims 1–4, 8–10, 17–19, 25–26, and 28–30 made under 35 U.S.C. §103(a) in the previous Office Action (dated 11/20/2006) have been fully considered but are moot in view of the new ground(s) of rejection necessitated by Applicants amendment.

CLAIM REJECTIONS - 35 U.S.C. §103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claim 1–4, 8, 10–20, and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nelson et al.* (US 2003/0179237 A1) in view of *Dürsteler*, The digital magazine of InfoVis.net, published 4/22/2002, (hereinafter "*Dürsteler*").

As to independent **claim 1**, *Dürsteler* describe(s): distorting the original image to produce a distorted region for the object at an initial position within the original image ("...distortion of the periphery...," p. 1), the distorted region including magnification of at least a portion of the object ("...of the zone of constant magnification...," p. 1); receiving a signal for dragging the object with the distorted region from the initial position ("...placing a lens...," p. 1), to a desired position within the original image (see the "Move Lens" mouse signal indicator in bottom left-hand side figure on p. 1); and, receiving a signal for dropping the object at the desired position (see the "Place Lens" mouse signal indicator in bottom left-hand side figure on p. 1), whereby the distorted region with the magnification facilitates accurate positioning of the object at the desired position ("...so that we have higher accuracy and control in the center of the lens...." p. 1).

Notwithstanding several suggestions therein, *Dürsteler* does not expressly teach that the method for positioning a selected object in an original image is done through the lens. *Nelson et al.* teaches a method for positioning a selected object in an original

image for display on a display screen ("...moving the object into view...," para. [0072]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the editing method of *Nelson et al.* with the lens of *Dürsteler* because the former advocates the distortion method of the latter ("...fish eye...," para. [0051]) for the same type of editing functions ("...Accordingly, it would be an advancement in the art to provide a system and method which allows objects to be arranged, displayed, and manipulated in a non-uniform manner...," para. [0011]).

As to dependent **claim 2**, *Dürsteler* teach the limitations previously discussed with respect to claim 1 above, further comprising that the distorting further includes applying a distortion function to the original image to produce the distorted region by displacing the original image onto the distortion function and projecting the displaced original image onto a plane ("...a transformation to the image so that a part of the same, the one that is in our focus, is enlarged..." p. 1). *Dürsteler* does not expressly teach that the method for positioning a selected object in an original image is done through the lens. *Nelson et al.* teaches a method for positioning a selected object in an original image for display on a display screen ("...moving the object into view...," para. [0072]). Thus, the combination of *Dürsteler* and *Nelson et al.* meet the claimed limitations for the same reasons set forth in the discussion of claim 1 above.

As to dependent **claim 3**, *Dürsteler* teach the limitations previously discussed with respect to claim 2 above, further comprising displaying a graphical user interface over a distorted region for receiving one or more signals for adjusting the distortion function (Fig. toward bottom on pp. 1; see also, pp. 1, first set of 4 Figs mid-page).

Nelson et al. teach the dragging and dropping as discussed with respect to claim 2, above. *Nelson et al.* does not show the step of creating to include displaying a graphical user interface over the a distorted region for adjusting a lens surface.

Notwithstanding several suggestions therein, *Dürsteler* does not expressly teach that the method for positioning a selected object in an original image is done through the lens. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have adjusted the distortion through a GUI overlay because *Nelson et al.* is directed toward the same field of endeavor of *Dürsteler*: "display information within a confined display area" (*Nelson et al.*, para. [0002]) so that one can "view, manipulate, and otherwise manage information" (*Nelson et al.*, para. [0002]). Furthermore, to the same particular problem sought be solved, ("According to another aspect, the invention comprises a graphical user interface ("GUI") which includes a graphical display surface, and a graphical object, displayable on the graphical display surface [i.e. lens], wherein the graphical object may be manipulated in a non-uniform manner." para. [0014]). Still further, *Dürsteler* expressly suggests that it is desirable to use its interface with layers ("...to make appear new information layers depending on the magnification at a particular point..." pp. 1) as reciprocated in *Nelson et al.* ("...objects may be attached at a corner, at a point along the edge, at an interior point, at multiple points, continuously along an edge, throughout a specified region, any combination of the above, or across the entire object...if an object is attached at one corner, lifting, folding, etc. may occur at the far corners of the object." para. [0088]-[0089]).

As to dependent **claim 4**, *Nelson et al.* and *Dürsteler* teach the limitations of claim 3, above. *Dürsteler* further teaches that the lens surface includes a focal region (pp. 1, see Figure towards bottom) and a base region (pp. 1, Figure towards bottom) and the GUI includes: a slide bar icon for adjusting a magnification for the lens surface (pp. 1, Figure towards bottom); a slide bar icon for adjusting a degree of scooping for the lens surface (pp. 1, Figure towards bottom); a bounding rectangle icon with at least one handle icon for adjusting a size and a shape for the focal region (pp. 1, see Figure towards bottom); a bounding rectangle icon with at least one handle icon for adjusting a size and a shape for the base region (pp. 1, Figure towards bottom); a move icon for adjusting a location for the lens surface within the original image (pp. 1, see Figure towards bottom); a pickup icon for adjusting a location for the base region within the original image (pp. 1, see Figure towards bottom); and, a fold icon for adjusting a location for the focal region relative to the base region (pp. 1, Figure towards bottom). Thus, the combination of *Dürsteler* and *Nelson et al.* meet the claimed limitations for the same reasons set forth in the discussion of claim 3 above.

As to dependent **claims 8 and 10**, *Nelson et al.* in view of *Dürsteler* teach the limitations of claim 4, above. However, *Nelson et al.* does not show that the dragging, dropping, and adjusting by a user pointing device. *Dürsteler* further teaches that the dragging, dropping, and adjusting are performed by moving a cursor on the display with a pointing device (editing and image pp. 1, see also mouse cursor icon, pp. 1 Figure towards bottom). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the GUI shown in *Nelson et al.* with

Dürsteler because, in the same field of endeavor, *Nelson et al.* teaches the use of a mouse ("Current GUIs typically utilize some type of a control device, such as a mouse, or touch sensitive screen, to manipulate text, images, and other objects on a display screen. These objects may include icons, windows, menus, and other images which are frequently displayed through the use of computer programs." para. [0002]) being used in the same way for the same purpose ("by direct manipulation...e.g., drag and drop..." para. [0094]).

As to dependent **claims 11–12**, which depends from claim 1, *Dürsteler* further disclose(s): the method of claim 1 wherein the distorted region is on and overlaps the object (see lens in bottom left-hand side figure on p. 1).

As to dependent **claim 13**, which depends from claim 1, *Dürsteler* further disclose the method of claim 1 wherein the object is a selection from the original image on the top of page 1.

As to dependent **claim 14**, which depends from claim 1, *Dürsteler* further disclose(s): the method of claim 1 wherein the object is an icon (see p. 5).

As to dependent **claims 15–16, and 22,** *Nelson et al.* in view of *Dürsteler* teach the limitations of claim 1, above. However, *Dürsteler* does not clearly show that he object can either be a text selection or from an external source other than the original image. *Nelson et al.* further teach that the object can either be a text selection ("to manipulate text" para. [0002]) or from an external source other than the original image ("network updates on a displayed object" para. [0048]).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the GUI shown in *Nelson et al.* with *Dürsteler* because, *Nelson et al.*, inter alia, teach various ways to interact through an attached distorted region for affecting context sensitive direct manipulations ("Attachment of display objects in a GUI according to an embodiment of the present invention may happen in a variety of ways. Where a display object gets attached determines the kinds of direct manipulation that may most easily be applied to the object" para. [0088]). Additionally, *Nelson et al.* show that such iconic manipulations are an expected benefit of *Dürsteler*'s digital system ("A common characteristic of typical GUI's is the implicit design assumption of arranging display elements windows, panes in window, objects in panes, icons, etc. with a regularity that is easily accomplished in a digital system." para. [0003]).

As to dependent **claim 17 and 18**, which depends from claim 1, *Nelson et al.* further disclose(s): the method of claim 1 wherein the dragging includes cutting (pointing input device at predefined or user-selected cut points," para. [0055]), and dropping includes pasting, an object into the original image ("paste" para. [0051]).

As to dependent **claims 19 and 20**, *Nelson et al.* further teach a that the display is a touchscreen display ("touch sensitive screen" para. [0002]) of a photograph processing workstation ("PhotoShop" para. [0049]) as a kiosk (Fig. 7).

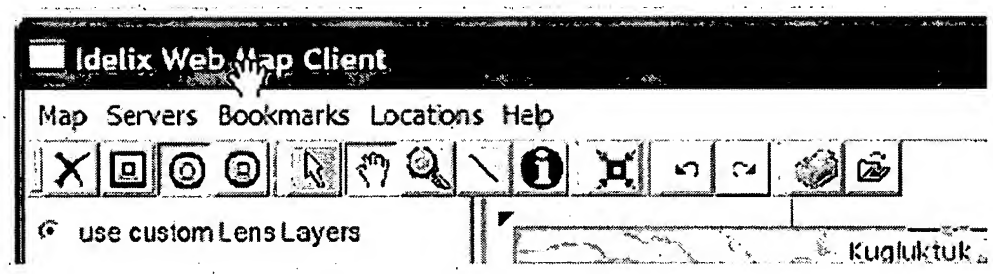
8. **Claims 5-7, 9, 21, and 23-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nelson et al.* in view of *Dürsteler* and as applied to claim 4 above,

and further in view of Idelix Software Inc. Presentation for CGDI Workshop May 2002 ("*CGDI*").

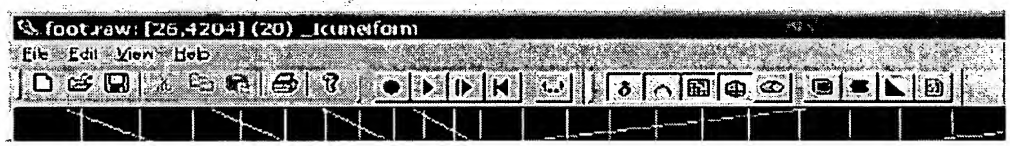
As to dependent **claims 5-7, and 21**, *Nelson et al.* in view of *Dürsteler* teach the limitations of claim 4, set forth above. However, *Nelson et al.* in view of *Dürsteler* fails to show that the GUI further includes an attached toolbar including function selection icons, function status icons, and an icon representing the object. *CGDI* is cited for teaching the that the GUI further includes an attached toolbar (see toolbar pp. 12) including function selection icons (e.g. arrow, pp. 12, 14, and 15), function status icons (e.g. indented icons indicating status, pp. 12; see also bottom and layer icons, pp. 12, 14, and 15), and an icon representing the object (e.g. see object icon pp. 12, 14, and 15). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the attached toolbar including function selection icons with *Nelson et al.* in view of *Dürsteler* because *CGDI* expressly teaches the advantages in combining *Nelson et al.* and *Dürsteler*, and the "In-place lens user interface" of *CGDI* for the advantage of efficiency in view of the fact that it "Decreases zoom in and zoom out operations, Efficient way to locate and edit information" (*CGDI* , pp. 13) and further to "Improve visual data exploration interface, Enhance current viewing capabilities" (*CGDI* , pp. 4) so that there is "No loss of detail or context, Visually continuous, Easy to follow, All in one window, Intuitive to use" (*CGDI* , pp. 10).

As to dependent **claim 9**, *Dürsteler* further teach the method of claim 5 wherein the toolbar includes at least one of: a pyramidal lens icon for selecting a distortion function having a square base region and a square focal region; a circular based lens

icon for selecting a distortion function having a circular base region; a circular focused lens icon for selecting a distortion function having a circular focal region; a pointer icon for selecting points in the original image; a hand tool icon for selecting a view area in the original image;-4-a zoom tool icon for zooming into or away from the object; a measuring tool icon for initiating a measurement function; a help tool icon for initiating a user help function; a continuation arrow icon for indicating and scrolling additional toolbar icons into view; a delete icon for deleting the object; a printer icon for selecting and indicating a status of a print function; a floppy disk icon for selecting and indicating a status of a save function; a redo icon for selecting a redo function; an undo icon for selecting an undo function; a resize base icon for selecting a predefined base region resizing function; and, a resize focus icon for selecting a predefined focal region resizing function (see *Dürsteler*: fig. 14 and 15 below).



(p. 14 , *Dürsteler*)



(p. 15 , *Dürsteler*)

Thus, the combination of *Dürsteler, Nelson et al.* and *CGDI* meet the claimed limitations for the same reasons set forth in the discussion of claims 5–7, and 21 above.

As to dependent **claims 23 and 24,** *Dürsteler* further teaches a toolbars that are translucent and transparent that allowing observation of the original image through the toolbar (see magnify tool bar, containing two function icons, on the right-hand side, pp. 1 Figure towards bottom). Thus, the combination of *Dürsteler* , *Nelson et al.,* and *CGDI,* meet the claimed limitations for the same reasons set forth in the discussion of claim 5 above.

9. **Claims 25-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Idelix Software Inc. Presentation for CGDI Workshop May 2002 ("*CGDI*") in view of The digital magazine of InfoVis.net, published 4/22/2002, ("*Dürsteler*").

As to independent **claim 25**, *CGDI* teaches a method for a presentation of a region-of-interest on a display screen (see pp. 12), the region-of-interest comprising: displaying a toolbar over the region-of-interest with means for selecting at least one parameter for adjusting a distortion function the region-of-interest (see toolbar above, pp. 12, 14, and 15), the focal region (see toolbar above, pp. 12, 14, and 15), having an operable focal and base region (see toolbar above, pp. 12, 14, and 15); transforming the in accordance with a predetermined distortion function and the at least one parameter through the toolbar, the original image transformed (e.g. pp. 12, 14, and 15). *CGDI* does not show selecting the at least one parameter from the toolbar with a pointing device. *Dürsteler*, teaches selecting the at least one parameter from the toolbar with a pointing device (mouse pointer icon for selecting parameters, pp. 1, see Figure towards bottom). It would have been

obvious to one of ordinary skill in the art, at the time the invention was made, to have used the mouse pointer shown in *Dürsteler* with *CGDI* because both are directed toward identical Pliable Display Technology, being deployed in identical ways, for accomplishing identical objects, of identical problems.

As to dependent **claim 26**, *CGDI* teaches the limitations of claim 25, further comprising at least one parameter includes a shape for the focal region (pp.14) and a shape for the base region (pp.14). *CGDI* does not show that least one parameter includes: a magnification for the region-of-interest ; a size for the focal and base region; a degree of scooping between the focal and base regions a location for the region-of-interest within the; and a location for the focal region relative to the base region a location for the base region within the original image. *Dürsteler* teaches at least one parameter includes: a magnification for the focal region (inner and outer squares, pp. 12; magnify pp. 1, see figure towards bottom); a size for the focal region (resize focal region pp. 1, see figure towards bottom); a size for the base region (resize base, pp. 1, see figure towards bottom); a degree of scooping between the focal and base regions ("adjust lens scoop," pp. 1, see Figure towards bottom) a location for the region-of-interest within the ("move lens", pp. 1, see Figure towards bottom); a location for the focal region relative to the base region (resize focal, pp. 1, see Figure towards bottom) a location for the base region within the original image (pp. 1, see Figure towards bottom). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the mouse pointer shown in *Dürsteler* with *CGDI* because both are directed toward identical Pliable Display Technology, being deployed in identical ways, for accomplishing identical objects, of identical problems.

As to dependent **claim 27**, *CGDI* further teaches that the toolbar includes at least one lens icon for selecting the at least one parameter (three lens icons on the toolbar and one lens layer radio, pp. 14).

As to dependent **claim 28**, *CGDI* further teaches that least one lens icon represents the distortion function (pp. 14).

As to dependent **claim 29**, *CGDI* further teaches that at least one lens icon includes a pyramidal (2nd from left pp. 14) lens icon for its distortion parameter (having a square base region and a square focal region), a circular based lens icon for its distortion parameter (3rd from left, pp. 14), and a circular focused lens icon for its distortion parameter (circular focal region) (4th from left, pp. 14).

As to dependent **claim 30**, *CGDI* further that the toolbar includes: a pointer icon for selecting points in the image (5th from left, pp. 14); a hand tool icon for selecting a view area in the image (6th from left, pp. 14); a zoom tool icon for zooming into or away from the region-of-interest (7th from left, pp. 14); a measuring tool icon for initiating a measurement function (8th from left, pp. 14); a help tool icon for initiating a user help function (9th from left, pp. 14); a continuation arrow icon for indicating and scrolling additional toolbar icons into view (10th from left, pp. 14); a delete icon for deleting the (1st from left, pp. 14); a printer icon for selecting and indicating a status of a print function (13th from left, pp. 14); a floppy disk icon for selecting and indicating a status of a save function (3rd from left, pp. 15); a redo icon for selecting a redo function (12th from left, pp. 14); an undo icon for selecting an undo function (11th from left, pp. 14); a resize base icon for

selecting a predefined base region resizing function; and, a resize focus icon for selecting a predefined focal region resizing function (pp. 14 and 15).

As to dependent **claim 31**, *CGDI* further teaches that the toolbar is a horizontal toolbar (pp. 12, 14, and 15).

As to dependent **claims 32**, *CGDI* teaches the limitations of claim 30 but does not show that the toolbar is a vertical toolbar. *Dürsteler* teaches a vertical tool bar (magnify + and magnify -, pp. 1, see Figure towards bottom). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the vertical toolbar in *Dürsteler* with *CGDI* because both are directed toward identical Pliable Display Technology, being deployed in identical ways, for accomplishing identical objects, of identical problems.

As to dependent **claims 33**. *CGDI* further teaches toolbars distributed over boundaries of the base and focal regions (scoop toolbar and magnify toolbar, 12, 14, and 15).

RESPONSE TO ARGUMENTS

5. Applicant arguments, see p. 8, filed 2/14/2007, concerning the Examiner's rejections of claims 3–10, 21, and 22–33, concerning the propriety of the 35 U.S.C. §103(a) rejection made in the previous Office Action (dated 11/20/2006) have been fully considered but they are not persuasive. Applicant argues:

> With respect to Dursteler and CGDI, the Applicant respectfully submits that these references may not be cited under 35 U.S.C. 103(a) as they include subject matter that along with the present application was, at the

time that the invention of the present application was made, owned by Idelix Software Inc. The Examiner's rejection of Claims 3-10, 21, and 23-33 is thereby overcome.

Applicant has not advanced a legal basis that would justify the above–taken position. If one discloses his or her own work more than 1 year before the filing of the patent application, that person is barred from obtaining a patent.[1] The 1-year time bar is measured from the U.S. filing date[2]. Thus, applicant will be barred from obtaining a patent if the public came into possession of the invention on a date before the 1-year grace period ending with the U.S. filing date. It does not matter how the public came into possession of the invention. Public possession could occur by a public use, public sale, a publication, a patent or any combination of these. In addition, the prior art need not be identical to the claimed invention but will bar patentability if it is an obvious variant thereof.[3]

The references in question have the following publication dates:

Published	Reference Name
May, 2002	Presentation for CGDI Workshop May (CGDI)
April 22, 2002	The digital magazine of InfoVis.net

Applicant's United States filing date is 7/16/2003. The filing date of applicant's foreign priority document is not the effective filing date, although the filing date of the foreign priority document may be used to overcome certain references[4].

[1] *In re Katz*, 687 F.2d 450, 454, 215 USPQ 14, 17 (CCPA 1982).
[2] See MPEP § 706.02 regarding the effective U.S. filing date of an application.
[3] *In re Foster*, 343 F.2d 980, 145 USPQ 166 (CCPA 1966).
[4] *See generally* MPEP §706.02(b) and §2136.05.

Assuming, *arguendo*, applicant intended to disqualify under 35 U.S.C. §103(c) – if the subject matter qualifies as prior art under 35 U.S.C. 102(a) or (b) it can not be disqualified as prior art under 35 U.S.C. 103(c). Both of the aforementioned references are statutory bars under 35 U.S.C. 102(b).

A rejection under 35 U.S.C. 102(b) cannot be overcome by affidavits and declarations under 37 CFR 1.131, foreign priority dates, or evidence that applicant himself invented the subject matter. Outside the 1-year grace period, applicant is barred from obtaining a patent containing any anticipated or obvious claims[5].

6. Arguments concerning the Examiner's rejections of claims 13–10, 21, and 22–33, made under 35 U.S.C. §103(a) in the previous Office Action (dated 11/20/2006) have been fully considered but are moot in view of the new ground(s) of rejection necessitated by Applicants amendment.

CONCLUSION

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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[5] *In re Foster*, 343 F.2d 980, 984, 145 USPQ 166, 170 (CCPA 1965).

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEPHEN HONG
SUPERVISORY PATENT EXAMINER

Samir Termanini
Patent Examiner
Art Unit 2178